

Application No.: 10/083,263

REMARKS

Claims 1-18 are pending in this application. Claims 1 and 10 have been amended. Claim 11 has been cancelled. New Claims 19 and 20 have been added.

Claims 1-9 were rejected under 35 USC 101 for being directed to nonstatutory subject matter. Specifically, the Examiner stated that Claim 1 includes "at least one problem solver", which is disclosed to be a human being. Applicants respectfully disagree.

Claim 1, as amended, is directed to customer satisfaction system, comprising: a query module for automatically sending queries to customers as to problems with goods or services provided by a provider according to a predetermined schedule and for receiving responses from customers to the queries; an analysis module for analyzing responses from customers to identify a customer problem, for sending the identified customer problem to a problem solver for resolution, and for tracking status of the identified customer problem; and at least one problem solver for receiving identified customer problems from the analysis module, for responding to customer problems, for generating solutions to customer problems and for transmitting solutions to customers; wherein, upon transmission of a solution to a customer problem to a customer, the problem solver notifies the analysis module of the solution and the analysis module causes the query module to send a query to the customer requesting verification that the problem has been solved.

On page 5 of the specification, lines 1-2, Applicants disclose that the recited customer satisfaction system may be implemented using software. Each element of Claim 1, query module, analysis module, and problem solver, may be implemented using software. A problem solver, who may or may not be a human being, accesses the system through their account. Applicants are claiming a system for interacting with a human being, e.g., an input, a button, a knob, a software module with interfaces; Applicants are not claiming a human being per se. In the specification on page 6, lines 14 - 25, each problem solver is assigned an account in which the system and the problem solver can track progress on solutions. Figures 8-11 show the various interfaces which are provided to the problem solver for input. When a problem solver receives a new problem, a problem solver ticket is created. An update page (Figs. 10 and 11) provides fields for tracking of problems. Job tickets are not closed until the system receives a

Application No.: 10/083,263

response from the customer indicating the problem has been solved. Claims 1-9 are believed to be directed to statutory subject matter.

Claims 10-18 were rejected under 35 USC 101 as being directed to nonstatutory subject matter. The Examiner stated that although the invention produces a useful, concrete, and tangible result, the invention is not within the technological arts. The Examiner further stated that Claims 10-18 only recite an abstract idea; that all of the recited steps can be performed in the mind of the user or by use of pencil and paper. Applicants respectfully disagree.

Claim 11, as amended, is directed to a method for ensuring customer satisfaction with goods or services provided by a provider, comprising: automatically sending, according to a predetermined schedule, a query to a customer as to problems with goods or services provided by a provider to the customer; receiving a response from a customer to the query; analyzing the response received from the customer to identify a customer problem to determine if the customer has a problem; if the response indicates the customer has a problem, generating a solution to the problem; transmitting the solution to the customer; and sending a query to the customer requesting verification that the problem has been solved by the solution.

In *Alco Standard Corp. v. Tennessee Valley Authority* 808 F.2d 1490, 1 USPQ2d 1337 (Fed. Cir. 1986), the Federal Circuit, stated that “[t]he inclusion in a patent of a process that may be performed by a person, but that also is capable of being performed by a machine, is not fatal to patentability.”

As noted above, the system and method of the invention may be implemented using software. The fact that some or all of the steps of Claim 11 can be performed in the mind of the user or by use of pencil or paper does not make the claimed invention nonstatutory subject matter. The system and method of the invention are intended to be implemented for systems having large numbers of “customers”. Sending automated queries according to a predetermined schedule would be an insurmountable task for an individual to perform manually, as would performing the other steps in the volumes contemplated. Claims 10-18 are believed to be directed to statutory subject matter.

Claims 1-18 were rejected under 35 USC 103(a) as being unpatentable over Sakakibara et al. (6,564,227). Applicants respectfully disagree. Sakakibara et al. is directed to a customer support system which relies on collecting information pertaining to a device located at a

Application No.: 10/083,263

customer and to use the usage information and quality information of the device to give various facilities to the customer (col. 1, lines 45-48). Col. 9, lines 34-36 states that "the customer support center 11 can also remotely set data which the device should transmit or the time at which the device should transmit the data." The Examiner considers this to represent automatically querying the customer at a predetermined time as to problems with goods. Applicants respectfully disagree. Automatically querying a device to cause it to report certain data is not the same as "automatically sending, according to a predetermined schedule, a query to a customer as to problems with goods or services provided by a provider to the customer". A device is not a customer. The responses from a device and a customer are inherently different. A query to a customer is not data transmission from a device. The system of Sakakibara et al. can automatically set when the device should transmit data. Applicants' system and method sets the time and period for sending automatic queries.

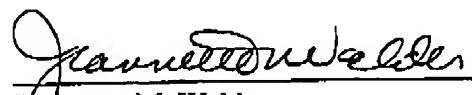
The Examiner asserts that it would be obvious to modify the system of Sakakibara et al. to send a query to the user requesting that the problem has been solved. Applicants respectfully disagree. The system of Sakakibara et al. is automatic, and deals only with data from devices, not from customers. There is no need to request a verification from the customer in Sakakibara et al. since the system can monitor independently whether the device is working properly.

Accordingly, Claims 1-18 are believed to be patentable over Sakakibara et al.

No additional fee is believed to be required for this amendment; however, the undersigned Xerox Corporation attorney hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025.

Consideration of this application and allowance thereof are earnestly solicited. In the event the Examiner considers a personal contact advantageous to the disposition of this case, the Examiner is requested to call the undersigned Attorney for Applicants, Jeannette Walder.

Respectfully submitted,



Jeannette M. Walder
Attorney for Applicants
Registration No.: 30,698
Telephone: 310 333.3660

Xerox Corporation
El Segundo, California
Date: March 8, 2004